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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,110	12/17/2001	Dale R. Heron	GB 000193	2423

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EXAMINER	
SRIVASTAVA, VIVEK	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,110	HERON ET AL.	
	Examiner	Art Unit	
	Vivek Srivastava	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *17-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restriction

Newly submitted claims **17 - 22** directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: newly submitted claims are directed to access control in an interactive video distribution system classified in class 725 subclass 25. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17 - 22 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 5, 7 and 11 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (6,025,837) in view of Sartain (US 6,124,854).

Regarding claims 1 and 12, Matthews discloses a system and method for providing multimedia services to a digital television receiving apparatus Matthews

discloses a settop box for receiving digital signals wherein the settop box or interface means can be located within the television (see col 5 lines 5 – 65) and thus discloses the claimed 'digital television'. Matthews further discloses providing and EPG to the receiving apparatus (see fig 2 and fig 5). It should be noted that the EPG provides 'advance information related to the scheduled broadcast time of material to be broadcast'. Matthews further discloses providing a user with supplemental content to the EPG information and programs to be broadcast (see col 7 lines 9 – 31, fig 2) by utilizing the URL to search the Internet for the appropriate supplemental content site for delivery to the user (see col. 7 line 64 – col. 8 line 35). Matthews further discloses that the supplemental content is pre-cached or pre-stored in advance of the program (see col 7 lines 9 – 30, col 10 lines 1 – 10).

Matthews discloses searching the Internet based on a set URL in an EPG but fails to disclose wherein search criteria for the internet searches is formulated based on data included in an electronic program guide.

In analogous art, Sartain teaches an menu system for selecting programs and teaches additional information can be searched from the Internet. Sartain teaches "The receiving unit then searches the Internet for additional information related to the received data" (see col. 5 lines 25 – 30). It would have been obvious modifying Matthews to include formulating search based on the information in the EPG would have provided a viewer with yet more additional information in lieu of just additional information retrieved from the URL. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews to

include the claimed limitation to provide a viewer with more information from a widely accessble and vast information source.

Regarding claims 2 – 3, Matthews discloses providing a user with supplemental content for programming in an EPG. Referring to figure 7, Matthews discloses and EPG screen wherein a user can scroll to view supplemental content including supplemental content for programming which is currently on i.e. programming which is on at 8 pm

Regarding claim 4, Matthews discloses the scheduled television program and advance information is provided to the receiving apparatus by an electronic program guide facility (fig. 2 and fig. 5).

Regarding claim 5, Matthews discloses in which the material to be broadcast is a television program (see col 7 lines 9 – 21).

Regarding claim 7, Matthews discloses receiving the multi-media information via the Internet and the claimed URL (see fig. 2).

Regarding claim 11, Matthews discloses the claimed set-top box facility (see col 5 lines 51 – 65).

Claim 13 is met by the discussions above.

Regarding claim 14, Matthews discloses storing an EPG and thus discloses storing information relating to forthcoming programs and discloses initiating the receiving apparatus to search the Internet to retrieve supplemental content based on a URL (see fig 2, col 8 lines 5 – 20).

Regarding claim 15, Matthews discloses the claimed "wherein the digital television apparatus is in the form of a set-top-box and further includes an output for providing an output signal to an output display means (see col 5 lines 42 –65).

Regarding claim 16, wherein the information resource is Internet based (see supplemental content 58 in fig. 2).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (US 6,025,837) and Sartain et al (US 6,124,854) as applied to the claims above, and further in view of Rothmuller (US 5,635,989).

Regarding claim 6, Matthews discloses providing supplemental content based on a viewers viewing tendencies but fails to disclose providing advance information relates to a pre-determined number of the viewer's favorite programs.

In analogous art, Rothmuller teaches a method and system for sorting and searching a television program guide to provide a user with a listing of favorite programming. Rothmuller teaches "*...the present invention also relates to a method for automatically generating a favorite program list. The favorite program list identifies by title, the programs most frequently watched by the viewer. The favorite program list can also include information, such as, the time and channel of the next occurrence of each program contained in the favorite program list*" (see col 5 lines 52 – 58). Rothmuller further teaches "*The method allows the viewer to be notified in advance, via on screen message, that a program on the favorite program list will be broadcast in the near future*" (see col. 7 lines 40 – 42). Rothmuller still further teaches the favorite list can be generated by the viewer designating the titles of the programs to be included on the

favorite program list (see col. 6 lines 60 – 67) or the user determines a pre-determined number of the viewer's programs (that which a user adds to the list).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Matthews and Sartain to include the claimed limitation for the benefit of providing a user with advance listing or notice of favorite programs to be broadcast.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (US 6,025,837) and Sartain et al (US 6,124,854), as applied to the claims above, and further in view of Portuesi (US5,987,509).

Regarding claim 8, Matthews discloses viewing supplemental content with the EPG but Matthews fails to disclose the claimed providing an indication during broadcast of the material to be broadcast that additional multimedia is available, wherein the URL is inserted into the broadcast stream to determine when the indication is to be provided to the viewer.

In analogous art, Portuesi discloses "*A system and method are provided for displaying an active uniform resource locator during playback of a media file or media broadcast*" (see Abstract). Portuesi further discloses "*According to the present invention, associated URL track 20 provides information about URL's to display and make active during certain periods of time with respect to the images....*"(see col. 5 lines 31 – 35). Portuesi further depicts the a URL is displayed during a broadcast (see fig. 3). Portuesi teaches "*In accordance with the present invention, a system and method for*

displaying uniform network resource locators embedded in a time-based medium are provided that substantially eliminate or reduce disadvantages and problems associated with previously developed time-based and playback operations" (see col 2 lines 26 – 31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Matthews and Sartain, based on the teachings of Portuesi, to include the claimed limitations for the benefit enabling a user to directly select a URL by simultaneously displaying the URL with a broadcast and to eliminate and reduce the disadvantages associated with previous systems.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (US 6,025,837) and Sartain et al (US6,124,854), as applied to the claims above, and further in view of Enomoto et al (US 6,367,080).

Regarding claim 9, Matthews discloses viewing supplemental content with the EPG but Matthews fails to disclose the claimed multi-media material is viewable simultaneously with the broadcast program by means of a split screen or screen insert.

In analogous art, Enomoto teaches an information displaying apparatus which enables the display of television content and Internet content simultaneously (see Abstract, Fig. 16B). Enomoto teaches "*Therefore, recently more and more users are using the Internet as the site of information presentation*" (see col. 1 lines 21 – 23). Enomoto further teaches "*Accordingly, the user of the Internet television as an Internet*

television displaying apparatus may have occasions desiring to watch a scene as a television broadcast program and the screen of the Internet communication at the same time. Therefore, there has been desired the realization of the Internet information displaying apparatus which can display simultaneously the television broadcast program and the screen of the Internet communication connection..."(see col. 2 lines 10 – 17).

Enomoto is evidence a desire exists to provide a simultaneous display of television content and Internet content in a split screen fashion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Matthews and Sartain, based on the teaching of Enomoto to include the claimed split screen for the benefit of satisfying a user's desire to see television content and Internet content simultaneously.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (US 6,025,837) and Sartain et al (US 6,124,854), as applied to the claims above, and further in view of Collings (US 5,828,402).

Regarding claim 10, Matthews fails to disclose the claimed wherein received and cached multimedia material to be broadcast is time-locked so as to be available to a viewer only a certain times.

In analogous art, Collings teaches a method and apparatus for selectively blocking audio and video signals. Collings teaches "*The Viewing Times, option [4] of menu 100, permits a user to allow TV viewing only during certain hours of the day*" and "*By setting the options on this menu, a user can store viewing time information which*

specifies time ranges during which television viewing is allowed. At all other times incoming signal 24 will be blocked by apparatus 20" (see col. 18 lines 53 – 64). It is noted that the incoming signal is pre-stored in a VCR (col. 3 lines 19 - 22). Collins further teaches "*This provides the viewer, of the viewer's parent or guardian with some control over the television programming that the viewer is exposed to*" (see col 3. lines 11 – 13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Matthews and Sartain, based on the teaching of Collings, to include time-locking the cached material to be available at certain times to provide a parent or guardian with added control with respect to how much or when a viewer can have access to content or to even control what a viewer is exposed to.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al (US 2004/0117831) – Interactive TV program guide

Klosterman et al (US 6,469,753) – Information system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
7/8/06

VIVEK SRIVASTAVA
PRIMARY EXAMINER